

For the reasons stated below, Applicant respectfully disagrees with the rejections of claims 17, 18, 20, 23, 24, 26, 27, and 32-37 under 35 U.S.C. § 102(b) and requests that the Examiner withdraw the rejections and allow the claims.

In the Final Office Action, the Examiner addressed only two arguments presented by the Applicant in the response filed February 28, 2002 to the previous Office Action dated August 29, 2001. Regarding the first argument, the Examiner asserts that the range data disclosed to a user in the system taught by Fushimi et al. teaches the range data recitations of claims 17 and 23 (see Final Office Action, page 2, lines 7-11). As admitted by the Examiner, Fushimi et al. merely teaches determining a distance between a departure and destination point. In contrast, claims 17 and 23 recite, among other things, a request identifying a first site and range data defining a distance from the first site. Accordingly, claims 17 and 23 are distinguishable from Fushimi et al. because the reference does not include a request that identifies range data. Instead, Fushimi et al. discloses a user determining a position of a departure point on a displayed map and converting the position into a set of coordinates. These coordinates are used to determine nodes in a “range of a circle with a radius of limit_dist” (see Fushimi et al., col. 5, lines 21-29). Thus, Fushimi et al. does not send a request identifying range data, but rather identifies nodes within a determined range value separate from the request.

Because Fushimi et al. does not teach every recitation of claims 17 and 23, as required by Section 102, Applicant requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Claims 18, 20 and 24, 26, and 27 depend from claims 17 and 23, respectively. As explained, claims 17 and 23 are distinguishable from Fushimi et al. Accordingly, claims 18, 20, 24, 26, and 27 are also distinguishable from Fushimi et al. for at least the reasons applicable to

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

claims 17 and 23. Further, the Examiner did not address the arguments presented in the response filed February 28, 2002 pertaining to claim 27. Accordingly, Applicant reiterates the arguments below and requests the Examiner address them and the recitations of the claim. Regarding claim 27, Fushimi et al. fails to teach or suggest the request further including a second site and second range data defining a distance from the second site. In fact, the Examiner failed to address the second range data recited in this claim (see Office Action, page 5, paragraph 3). The range information taught by Fushimi et al. is determined based on a predetermined value and is not included in a request that includes a first and second site, and first and second range data as, recited in claim 27.

Because Fushimi et al. fails to teach the recitations of claims 18, 20, 24, 26, and 27, Applicant requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Regarding the second argument, the Examiner asserts that the sites and paths disclosed in Fig. 13C of Fushimi et al. teach a type of location of interest (see Final Office Action, page 2, lines 13-15). Applicant respectfully disagrees. A type of location of interest is not synonymous with the sites and paths taught by Fushimi et al.. These sites are actual locations identified on a map by a user. In contrast, a “type” of location may be associated with a general description of a location, such as, for example, hotels. Fushimi et al. teaches user designated destination and departure locations that are each converted to actual coordinates on a map. These coordinates are used by Fushimi et al. to plan routes of travel between the two locations. Accordingly, the two locations are not types of locations of interest, but rather are specific sites designated by a user. Further, because Fushimi et al. fails to teach a type of location of interest, the reference also fails to teach a range that is determined based on stored information associated with the type

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

of location of interest, as recited in claim 32, and receiving trip planning information selected based on a range, the site, and the type of location of interest, as recited in claim 35. Because Fushimi et al. fails to teach the recitations of claims 32 and 35, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Claims 33, 34 and 36, 37 depend from claims 32 and 35, respectively. As explained, claims 32 and 35 are distinguishable from Fushimi et al. Accordingly, claims 33, 34, 36, and 37 are also distinguishable from Fushimi et al., and Applicant requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn and the claims allowed. Additionally, the Examiner did not address the arguments associated with claims 33 and 34 presented in the response filed February 28, 2002. Accordingly, Applicant reiterates these arguments and requests that the Examiner address them and the recitations of these claims.

Regarding claim 33, the Examiner failed to address the recitations of this claim in maintaining the rejection (see Office Action, paper no. 4, page 5, paragraph 3 and the Final Office Action, paper no. 8. page 4, paragraph 3). This claim recites, among other things, trip planning information including locations of interest located within the range of the site and wherein the locations of interest are associated with the type of location included in the request. Applicant submits that the rejection of this claim under Section 102 is improper because the Examiner failed to provide evidence that Fushimi et al. teaches the above mentioned recitations. Additionally, Fushimi et al. fails to teach or suggest, among other things, trip planning information that includes locations of interest associated with a type of location included in the request and located within the range of the site that are also included in the request. As explained, the destination and departure points taught by Fushimi et al. do not correspond to a type of location of interest, but rather are specific points identified by a user. Further, the nodes

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

that are identified within the predetermined ranges extending from the destination and departure points (e.g., nodes N1-N9 shown in Fig. 2(a)) are not associated with a “type” of location of interest. Also, these nodes are not identified based on their “type.” In fact, Fushimi et al. does not elude to any consideration of a “type” of location. Instead, Fushimi et al. merely states that “map information is read to determine nodes in a range of circle with a radius of limit_dist” (see Fushimi et al., col. 5, lines 27-28). Because Fushimi et al. fails to teach or suggest the recitations of claim 33, Applicant respectfully requests that the rejection of this claim under 35 U.S.C. § 102(b) be withdrawn and the claim allowed.

Regarding claim 34, the Examiner also failed to address the recitations of this claim in maintaining the rejection (see Office Action, page 5, paragraph 3). This claim recites “varying the range based on the number of locations of interest located within a predetermined distance of the site.” Applicant submits that the rejection of claim 34 under 35 U.S.C. § 102(b) is improper because the Examiner failed to provide evidence that Fushimi et al. anticipates the recitations of this claim. Additionally, Fushimi et al. fails to teach or suggest varying the range for a site included in a request, much less varying the range based on the number of locations of interest located within a predetermined distance of the site. The range of the circles associated with the destination and departure points taught by Fushimi et al. are statically defined. That is, Fushimi et al. does not teach varying the ranges based on a number of locations of interest within a predetermined distance of a site included in a request. In view of the above arguments, Applicant respectfully requests that the rejection of claim 34 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed.

Regarding the rejections of claims 19, 21, 22, 25, 28-30, and 38-40 under 35 U.S.C. § 103(a), the Examiner did not address any of the arguments presented in the response

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

filed February 28, 2002. Instead, the Examiner reiterated the same rejection present in the Office Action dated August 29, 2001. Accordingly, Applicant restates the arguments associated with these claims and requests that the Examiner address them and the recitations of these claims.

Regarding claims 29 and 38, the Examiner argued that Fushimi et al. teaches the recitations of these claims except for a geometric shape. The Examiner suggested that the different sites taught by Fushimi et al. are associated with geometric shapes because “geometric shapes include straight lines.” (See Office Action, paper no. 4, page 6, line 4). Further, the Examiner relied on Tenmoku et al. to teach routes in geometric shapes. Applicant respectfully disagrees with the rejection of these claims for the following reasons. Although a straight line may be considered a type of geometric shape, the mere presence of straight lines in the route maps taught by Fushimi et al. and Tenmoku et al. does not equate to the teaching of a geometric shape in the sense that phrase is used in this application. The travel routes taught by these references are bounded straight lines. That is, each path has a definite starting and ending point. A geometric shape, on the other hand, has a boundless perimeter with no definite starting and ending point. Also, a geometric shape has two dimensions, length and width (which includes circumference and diameter for circles, ovals, etc.). A combination of straight lines that are bounded by an unconnected starting and ending point does not have these characteristics. There can be no width to a plurality of straight lines that are not connected to form a “shape.” Examples of shapes include, circles, ovals, and polygons, such as a triangle, square, rectangle, rhombus, trapezium, trapezoid, pentagon, hexagon, heptagon, octagon, nonagon, decagon, undecagon, dodecagon, etc. (see definition of “shape,” www.artlex.com/ArtLex/). Each of these exemplary shapes have a boundless perimeter, or circumference, and a bounded area.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Unconnected straight lines have neither. Tenmoku et al. and Fushimi et al., on the other hand, both teach travel paths that are straight lines that are not connected to form a geometric shape.

In addition to failing to teach geometric shapes, Tenmoku et al. and Fushimi et al., alone or in combination, fail to teach or suggest receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites, as recited in claim 29.

Based on the above arguments, Tenmoku et al. and Fushimi et al., alone or in combination, fail to teach or suggest the recitations of claims 29 and 38 and Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Regarding claims 19 and 25, the Examiner argued that Tenmoku et al. teaches trip planning information that includes information identifying services available within a proximity of the first site derived from the range data (see Office Action, page 6, paragraph 5). Applicant respectfully disagrees. The background information stored by Tenmoku et al. correlate to specific points on road map prestored by a vehicle operator. These points may be encountered during an optimum path selection process performed by Tenmoku et al., however, they are not identified services that are available within a proximity of a first site derived from range data included in a request as recited by claims 19 and 25. Accordingly, Applicant requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Regarding claim 21, the Examiner did not address the recitations included in this claim in maintaining the rejection (see Office Action, page 6, paragraph 5). Claim 21 recites “the request further includes a second site and second range data defining a distance from the second site, and wherein the trip planning information includes information identifying selected locations of

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

interest within a proximity of the first and second sites.” Accordingly, Applicant submits that the rejection of this claim under Section 103 is improper because the Examiner failed to provide evidence that Tenmoku et al. and/or Fushimi et al. teaches or suggests the recitations of claim 21. Further, these references, alone or in combination, fail to teach or suggest a request that includes second site and range data, much less trip planning information that includes information identifying selected locations of interest within a proximity of the first and second sites. Based on the above arguments, Applicant requests that the rejection of claim 21 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Regarding claims 22 and 28, the Examiner did not address the recitations included in these claims in maintaining the rejection (see Office Action, page 6, paragraph 5). Claims 22 and 28 recite “the locations of interest each provide services similar to services provided by the second site.” Accordingly, Applicant submits that the rejection of these claims under Section 103 are improper because the Examiner failed to provide evidence that Tenmoku et al. and/or Fushimi et al. teaches or suggest the recitations of claims 22 and 28. Further, Tenmoku et al. and Fushimi et al., alone or in combination, fail to teach or suggest the identified locations of interest that provide services similar to services provide by the second site. In fact, neither of these references suggest services associated with sites selected as a destination and/or departure site. Accordingly, Applicant requests that the rejection of claims 22 and 28 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Regarding claims 30 and 39, Applicant submits that the rejection of these claims under Section 103 are improper because the Examiner failed to provide evidence that Tenmoku et al. and/or Fushimi et al. teaches or suggest the recitations of these claims (see Office Action, page 6, paragraph 5). Further, Tenmoku et al. and Fushimi et al., alone or in combination, fail to teach

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

or suggest the information associated with first and second sites include information related to locations of interest that are associated with a type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape, as recited in claim 30. Also, these two references fail to teach or suggest collecting information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape, as recited in claim 39. As previously argued, neither reference discloses a geometric shape, much less locations of interest located within the geometric shape. The boundless straight lines reflecting travel paths taught by these references cannot include locations of interest (or any other location for that matter) because there is no bounded area defined by these locations. Based on the above arguments, Applicant requests that the rejection of claims 30 and 39 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Regarding claims 31 and 40, Tenmoku et al. and Fushimi et al., alone or in combination, fail to teach or suggest a geometric shape generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value. As previously argued, these two reference fail to teach or suggest a geometric shape. Further, neither reference discloses or suggests a function performed on a distance between the first and second sites to generate the geometric shape. The N paths of different lengths taught by Fushimi et al. do not represent geometric shapes. They are, as shown in Fig. 8(a), straight lines that form no shape. Further, the length of each virtual path (VL1-VL5) has no contribution to the formation of a geometric shape. Accordingly, Tenmoku et al. and Fushimi et al. fail to teach or suggest the recitations of claims 31 and 40 and

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Applicant respectfully requests that the arguments presented under 37 C.F.R. § 1.116 be entered and considered by the Examiner, placing claims 17-40 in condition for allowance.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering and consideration of this request would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the request would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this request, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 21, 2002

By:


Joseph E. Palys
Reg. No. 46,508

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com